| 1<br>2<br>3<br>4   | VICTOR N. PIPPINS California State Bar No. 251953 FEDERAL DEFENDERS OF SAN DIEGO, 225 Broadway, Suite 900 San Diego, California 92101-5008 Telephone: (619) 234-8467 E-mail: victor_pippins@fd.org | INC.  |
|--|--|---|
| 5  | Attorneys for Mr. Padilla-Bautista   |   |
| 6  | Automeys for Mr. I adma-Dautista   |   |
| 7  |  |   |
| 8  | UNITED STATES DISTRICT COURT   |   |
| 9  | SOUTHERN DISTRICT OF CALIFORNIA  |   |
| 10   | (HONORABLE JANIS L. SANMARTINO)  |   |
| 11   | UNITED STATES OF AMERICA,  | Case No. 08-CR-0205-JLS   |
| 12   | Plaintiff,   | Date: February 22, 2008<br>Time: 1:30 p.m.  |
| 13   | v.   | NOTICE OF MOTION AND  |
| 14   | CRECNCIO PADILLA-BAUTISTA  | MOTIONS TO:   |
| 15   | Defendant.   | 1) COMPEL DISCOVERY   |
| 16   |  | 2) DISMISS INDICTMENT<br>3) SUPPRESS STATEMENTS   |
| 17   | TO: KAREN P. HEWITT, UNITED STATE  |   |
| 18   | DAVID D. LESHNER, ASSISTANT  | UNITED STATES ATTORNET  |
| 19   |  |   |
| 20   | PLEASE TAKE NOTICE that on Feb   | oruary 22, 2008, or as soon thereafter as counsel may be heard,   |
| 20   |  | bruary 22, 2008, or as soon thereafter as counsel may be heard, hrough his counsel, Victor N. Pippins and Federal Defenders |
| 21   | CRECENCIO PADILLA-BAUTISTA, by and t   | ·   |
|  | CRECENCIO PADILLA-BAUTISTA, by and t   | hrough his counsel, Victor N. Pippins and Federal Defenders   |
| 21   | CRECENCIO PADILLA-BAUTISTA, by and t of San Diego, Inc., will ask this Court to enter an   | hrough his counsel, Victor N. Pippins and Federal Defenders   |
| 21<br>22   | CRECENCIO PADILLA-BAUTISTA, by and t of San Diego, Inc., will ask this Court to enter an   | hrough his counsel, Victor N. Pippins and Federal Defenders   |
| <ul><li>21</li><li>22</li><li>23</li></ul>                       | CRECENCIO PADILLA-BAUTISTA, by and t of San Diego, Inc., will ask this Court to enter an   | hrough his counsel, Victor N. Pippins and Federal Defenders   |
| <ul><li>21</li><li>22</li><li>23</li><li>24</li></ul>            | CRECENCIO PADILLA-BAUTISTA, by and t of San Diego, Inc., will ask this Court to enter an   | hrough his counsel, Victor N. Pippins and Federal Defenders   |
| <ul><li>21</li><li>22</li><li>23</li><li>24</li><li>25</li></ul> | CRECENCIO PADILLA-BAUTISTA, by and t of San Diego, Inc., will ask this Court to enter an   | hrough his counsel, Victor N. Pippins and Federal Defenders   |

| 1                               | <u>MOTION</u>   |
|---------------------------------|---|
| 2                               | CRECENCIO PADILLA-BAUTISTA, by and through his attorneys, Victor N. Pippins, and Federal                      |
| 3                               | Defenders of San Diego, Inc., hereby moves this Court to grant the following motions.                         |
| 4                               | These motions are based upon the instant motion and notice of motion, the attached statements of              |
| 5                               | facts and memorandum of points and authorities, and any and all other materials that may come to this Court's |
| 6                               | attention at the time of the hearing on this motion.  |
| 7                               | Respectfully submitted,   |
| 8                               |   |
| 9                               | Dated: February 8, 2008  /s/ Victor N. Pippins  VICTOR N. PIPPINS   |
| 10                              | Federal Defenders of San Diego, Inc.<br>Attorneys for Mr. Padilla-Bautista                                    |
| 11                              | 1 2000 1 10 1 1 1 1 1 1 1 1 1 1 1 1 1 1   |
| 12                              |   |
| 13                              |   |
| 14                              |   |
| 15                              |   |
| 16                              |   |
| 17                              |   |
| 18                              |   |
| 19                              |   |
| 20                              |   |
| 21                              |   |
| <ul><li>22</li><li>23</li></ul> |   |
| 24                              |   |
| 25                              |   |
| 26                              |   |
| 27                              |   |
| 28                              |   |
| 20                              |   |

| 2  | VICTOR N. PIPPINS California State Bar No. 251953 FEDERAL DEFENDERS OF SAN DIEGO, INC. 225 Broadway, Suite 900 San Diego, California 92101-5008 Telephone: (619) 234-8467 Email: Victor Pippins@fd.org |  |  |
|----|--|--|--|
| 5  | Attorneys for Mr. Padilla-Bautista   |  |  |
| 6  |  |  |  |
| 7  |  |  |  |
| 8  | UNITED STATES DISTRICT COURT   |  |  |
| 9  | SOUTHERN DISTRICT OF CALIFORNIA  |  |  |
| 10 |  |  |  |
| 11 | UNITED STATES OF AMERICA, ) Case No.: 08CR0205-JLS   |  |  |
| 12 | ) Date: February 22, 2008<br>Plaintiff, ) Time: 1:30 p.m.  |  |  |
| 13 | v. CERTIFICATE OF SERVICE  |  |  |
| 14 | CRECNCIO PADILLA-BAUTISTA,   |  |  |
| 15 | )  |  |  |
| 16 | Defendant.   |  |  |
| 17 |  |  |  |
|    |  |  |  |
| 18 | Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of  |  |  |
| 19 | his information and belief, and that a copy of the foregoing document has been served this day upon:   |  |  |
| 20 | David D Leshner  |  |  |
| 21 | david.leshner@usdoj.gov,esmeralda.diaz@usdoj.gov,efile.dkt.gc1@usdoj.gov   |  |  |
| 22 | Respectfully submitted,  |  |  |
| 23 | Respectany submitted,  |  |  |
| 24 |  |  |  |
| 25 | DATED: February 8, 2008 /s/ Victor N. Pippins VICTOR N. PIPPINS  |  |  |
| 26 | Federal Defenders of San Diego, Inc.   |  |  |
| 27 | Attorneys for Mr. Padilla-Bautista   |  |  |
| 28 |  |  |  |